



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/614,261

07/07/2003

John Taboada

382/103

7790

7590
Dr. John Taboada
12530 Elm Country
San Antonio, TX 78230

11/25/2008

EXAMINER

PERVAN, MICHAEL

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

11/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/614,261	Applicant(s) TABOADA, JOHN	
	Examiner Michael Pervan	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-25 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) 18-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 27-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ivey et al (US 5,793,357) in view of Agilent Technologies Technical Data Sheet for the HDNS-2000 (as submitted by applicant) in view of Koizumi et al (US 5,883,616; as previously submitted by examiner) in view of Rallison et al (US 5,945,967; as previously submitted by examiner).

In regards to claim 27, Ivey discloses an apparatus for controlling a computer by tracking the motion of a body comprising:

- a. a laser (col. 4, lines 40-42; laser diode 2),
- b. a laser-speckle pattern generating means (col. 5, lines 28-40; speckle patterns are generated by simply having the laser reflect off of a surface.) projecting a laser-speckle pattern which moves in correspondence to the movement of the first rigid unit (col. 6, lines 1-11),

- c. generating signals to control a computer.

Ivey does not disclose where said laser and said laser-speckle pattern generating means are combined as a first rigid unit and an optically-sensed digitally-autocorrelated navigation chip receiving means mounted on a second rigid unit for receiving said laser-speckle pattern.

Agilent discloses an optically-sensed digitally-autocorrelated navigation chip receiving means for receiving the laser-speckle pattern (HDSN-2000).

It would have been obvious to one of ordinary skill in the art to modify Ivey with the teachings of Agilent, an optically-sensed digitally-autocorrelated navigation chip, because it would give more accurate measurements of the movement of the pen.

Ivey and Agilent do not disclose where said laser and said laser-speckle pattern generating means are combined as a first rigid unit and a chip receiving means mounted on a second rigid unit for receiving said laser-speckle pattern.

Koizumi discloses a first and a second rigid unit (Fig. 1 and col. 3, lines 44-47).

It would have been obvious at the time of invention to modify Ivey and Agilent with the teachings of Koizumi, having light transmission from a first rigid unit and light receiving at a second rigid unit, because it allows the user to control a computer remotely giving the user freedom to move around and still accomplish a task.

Ivey, Agilent and Koizumi do not disclose where said laser and said laser-speckle pattern generating means are combined as a first rigid unit.

Rallison discloses where said laser and said laser-speckle pattern generating means are combined as a first rigid unit (Fig. 4A and col. 6, lines 15-44).

It would have been obvious at the time of invention to modify Ivey, Agilent and Koizumi with the teachings of Rallison, laser and diffuser combined to generate a speckle pattern, because it allows the speckle pattern to be generated anywhere and without the necessity of having a reflective surface.

In regards to claim 28, Ivey and Agilent disclose the apparatus of Claim 27 where said laser-speckle pattern is projected onto the optically-sensed digitally-autocorrelated navigation chip (col. 4, lines 40-42).

In regards to claim 29, Ivey and Agilent disclose the apparatus of Claim 28 where the output of said optically- sensed digitally-autocorrelated navigation chip communicates computer controlling signals to a computer indicative of the motion of the first rigid unit (col. 3, lines 1-11).

In regards to claim 30, Ivey and Agilent disclose the apparatus of Claim 27 where said first rigid unit may be rigidly attached to a further body thus enabling the computer registering of motion parameters of said further body (The first rigid unit (pen) is attached (held) to a further body (hand) and enables the computer to register movements of the further body (hand)).

Conclusion

Art Unit: 2629

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pervan whose telephone number is (571) 272-0910. The examiner can normally be reached on Monday - Friday between 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MVP
Nov. 20, 2008

/Amr Awad/
Supervisory Patent Examiner, Art Unit 2629